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Committee on Economic, Social and Cultural Rights

Fifty-seventh session

Summary record of the 8th meeting

Held at the Palais des Nations, Geneva, on Thursday, 25 February 2016, at 3 p.m.

Chair: Mr. Sadi

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The meeting was called to order at 3 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Combined second to fifth periodic reports of Kenya (E/C.12/KEN/2-5; E/C.12/KEN/Q/2-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Kenya took places at the Committee table.*

2. **Mr. Karau** (Kenya), introducing the combined second to fifth periodic reports of Kenya (E/C.12/KEN/2-5), said that there had been enormous progress in the implementation of the rights under the Covenant. Despite many challenges in recent years, including terrorist attacks, adverse weather events and diminishing tourism, major legal, institutional and policy measures had been adopted to guarantee basic standards and entitlements. For the first time in the country's history, the Bill of Rights safeguarded economic and social rights and prohibited all forms of discrimination. The main framework for the Covenant rights was Vision 2030, which was implemented through various medium-term strategic plans. The current plan spanned the period 2013-2018 and outlined policies designed to implement devolution, accelerate growth, reduce poverty, transform the structure of the economy and create more and better quality jobs. Since the promulgation of the Constitution in 2010, Kenyan courts had made positive rulings based on the provisions of the Covenant in matters ranging from the right to health and education to the right to housing.

3. The Government had strengthened the human and financial capacity of the Ethics and Anti-Corruption Commission and had taken steps to ensure that anti-corruption and anti-impunity strategies met international standards. Other legislative, policy and institutional reforms included bills on bribery and whistle-blower protection, the strengthening of the Asset Recovery Agency and a draft national ethics and anti-corruption policy. Consultation processes, laws and oversight mechanisms had been put in place to protect the rights of communities affected by extractive projects, and work had begun on the preparation of a national action plan on the implementation of the Guiding Principles on Business and Human Rights. The Government had taken various steps to address past discrimination, including the establishment of the Equalization Fund and the tabling of the Community Land Bill. It had also closed all the camps for internally displaced persons and resettled those housed there in keeping with the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012.

4. The National AIDS Control Council and the HIV/AIDS Tribunal had been established pursuant to the HIV and AIDS Prevention and Control Act, which addressed access to health care and prohibited discrimination against persons living with HIV/AIDS. The Council conducted awareness-raising campaigns throughout the country, while the Tribunal heard complaints of any violations of the Act. Several measures had been adopted to safeguard the right to physical access for persons with disabilities. The National Gender and Equality Commission had been established in 2011 and gender equality was covered in several pieces of legislation. The Government had also made great strides in the protection and care of older persons and children.

5. In an effort to tackle unemployment, the Government had expanded access to credit in order to support entrepreneurs and boost small businesses, had set up a series of targeted funds and programmes, such as the Youth Enterprise Development Fund and the Training of Female Engineering Learners Programme, and had fixed a 5 per cent quota to encourage

the recruitment of persons with disabilities. As a result, the employment rate had risen by nearly 6 per cent. In terms of social security, which was guaranteed under the Constitution, the Government had set up the National Safety Net Programme to strengthen operational systems and expand the coverage of cash transfer programmes. The National Social Security Fund was a contributory scheme that covered workers in both the formal and the informal sectors, and also the self-employed.

6. Although not all the targets of the National Poverty Eradication Plan 1999-2015 had been achieved, progress had nonetheless been made, including the increased enrolment of children in primary school, the introduction of free primary health care and maternity services and the establishment of the Water Services Trust Fund for the provision of water and sanitation services to disadvantaged groups. In addition, several initiatives had been launched to realize the right to housing, especially in informal settlements and for low- and middle-income groups. Measures had also been taken in the health sector to enhance access at the local level, increase the budget, achieve universal health coverage, improve the monitoring of certain diseases and tackle maternal and child health. In the education sector, the Government had gradually increased spending, set up a council to oversee the quality of instruction, fast-tracked the registration of alternative schools, awarded equipment grants and recruited additional teachers.

7. The Government had taken steps, such as the adoption of the Kenya National Commission for UNESCO Act, to protect intellectual property rights in respect of traditional know-how and cultural expression, safeguard intangible cultural heritage and foster diversity. Lastly, he said that, as a result of the recommendations made during the universal periodic review of Kenya by the Human Rights Council, Parliament had adopted the National Policy and Action Plan for the Promotion and Protection of Human Rights, thus setting the stage for the incorporation of a rights-based approach into all aspects of the country's development agenda.

8. **Mr. Dasgupta** (Country Rapporteur) said that there had been a great leap forward in Kenya since the Committee had last reviewed the country's implementation of the Covenant, most notably through the adoption in 2010 of the new Constitution, which incorporated economic, social and cultural rights into domestic law. Questions nonetheless arose regarding the actual implementation of constitutional provisions. For example, noting that sexual intercourse between individuals of the same sex remained an offence under Kenyan law, he asked what the reasons were for such a gross disregard of the provisions of the Covenant. He also asked whether the Government intended to amend section 7 of the Matrimonial Property Act to ensure that both spouses had the right to a share of all the property acquired over the course of the marriage. He further asked why the Community Land Bill, which was designed to give women greater access to land ownership, had yet to be enacted after more than five years.

9. Although an implementation task force had been set up in response to the ruling of the African Commission on Human and Peoples' Rights regarding the right of the Endorois to their ancestral lands, its terms of reference focused on examining the implications of implementation rather than on swift implementation. Accordingly, he wished to know what steps were being taken to ensure that justice was done for the Endorois. Similarly, he asked whether there were plans to grant compensation to the large number of internally displaced persons who had yet to receive any.

10. Referring to the Committee's question in the list of issues (E/C.12/KEN/Q/2-5) about the impact of the Economic Partnership Agreement with the European Union on the enjoyment of economic, social and cultural rights, he pointed out that the State party's written reply skirted the issue. He wondered whether the ban on all generic drugs, irrespective of their medical efficacy, contained in the Anti-Counterfeit Act had been a prior condition to the conclusion of the Agreement. In addition, he wished to know what

plans there were to bring the Act into line with the High Court's ruling that the ban was unconstitutional. Referring to the State party's admission that poverty reduction efforts under the Millennium Development Goals had been only marginally successful, he enquired about how much progress had been made and what steps were planned to improve results.

11. **Mr. Atangana** requested detailed information on cases where the provisions of the Covenant had been invoked before the courts. He asked how the relative rank of ordinary courts and the customary courts in the judicial hierarchy was determined, how successful the efforts to eradicate corruption mentioned in paragraph 22 of the report had been and what the procedure was for recovering money and assets accrued through corruption.

12. **Ms. Bras Gomes** invited the delegation to comment on the assertion by NGOs that, the new Constitution notwithstanding, the Government had not demonstrated good will in its implementation of the rights under the Covenant, instead failing to comply with court orders and being lax in its prosecution of persons suspected of corruption or misappropriation of public funds. Suggesting that part of the problem might be that bills often remained pending before the Parliament for so long that they became obsolete, she asked what held back their enactment. Regarding internally displaced persons, she wished to know what was being done to address the lack of land tenure as a root cause of displacement and how the authorities continued to monitor the needs of those displaced now that the camps had all been closed.

13. **Mr. De Schutter** said that he had received reports that called into question the effectiveness of the Ethics and Anti-Corruption Commission. In addition, according to information provided by the State party itself, several thousand cases a year had been presented to the Commission in recent years, yet in a typical year the Office of the Director of Public Prosecutions had accepted only between 40 and 50 cases. There had also been reports that the executive had interfered with the work of the Commission to ensure that senior public officials escaped prosecution.

14. He understood that, as a member of the East African Community, Kenya, under heavy pressure — for example a unilateral decision by the European Union to impose higher tariffs on imports of Kenyan cut flowers — had recently entered into a region-to-region economic partnership agreement with the European Union. The macroeconomic benefits of the agreement would be real, especially for the State party's export sector, but the key question was whether the inevitable costs associated with trade liberalization would be borne equally. He therefore wished to know whether the likely impact of the agreement had been assessed from a human rights perspective. If so, had those impact assessments been done with the participation of civil society, including smallholders' associations?

15. **Mr. Schrijver** said that he wished to know how the Kenyan authorities envisioned the role, as far as economic, social and cultural rights were concerned, of international bodies such as the African Commission on Human and Peoples' Rights, mechanisms for cooperation between the European Union and the African, Caribbean and Pacific Group of States, and the various United Nations treaty bodies. What added value did the Kenyan Government ascribe to the monitoring functions of those bodies?

16. **Mr. Uprimny** said that he would appreciate information on the implementation or enforcement of court decisions in cases involving economic, social and cultural rights. In the same connection, he asked whether the Government had any plans to repeal or amend special section 21 (4) of the Government Proceedings Act, a law that, if he was not mistaken, dated to the colonial period and made it very difficult, if not impossible, to obtain monetary awards from the Government. He requested specific information on the results of the National Legal Aid and Awareness Programme and asked whether the Government backed the adoption of the National Legal Aid Bill, 2015.

17. That the number of cases of corruption reaching the courts was small was, as Mr. De Schutter had suggested, a significant concern. In that connection, he asked whether it was really the case, as the figures in annexes to the replies to the list of issues appeared to show, that there had not been a single conviction in such cases. How senior were the officials appearing in court to answer to charges of corruption?

18. **Mr. Kedzia** asked whether the delegation could provide information on the extent to which public interest litigation, provided for in the Kenyan Constitution, had been used for the protection of the rights recognized in the Covenant. He also asked whether the State party had a mechanism for prior assessment of the impact on economic, social and cultural rights of the award of concessions for the extraction of natural resources, whether the drafting of the contracts for such awards required the consent and involvement of the communities affected and whether the dispute-resolution mechanisms provided for in those contracts established that human rights, economic, social and cultural rights in particular, were part of the legal framework for the adjudication of any disputes.

19. He would appreciate clarification of paragraph 14 of the replies to the list of issues, in which the State party had noted that internal due processes were ongoing in the run-up to formal ratification of the economic partnership agreement between the European Union and the East African Community. Did those processes include consultations with civil society?

20. Regarding corruption, he asked whether there were any mechanisms in place to monitor compliance with the Code of Ethics for Business, which, according to the State party's report, many Kenyan businesses had signed. He also asked for an explanation of article 21 (4) of the Government Proceedings (Amendment) Bill, 2014, which dealt with liability for the payment of monetary awards by the Government.

21. **Ms. Shin** asked whether the State party intended to ratify the Optional Protocol and whether, as recent reports had noted, counter-terrorism measures had led to the forced closure of a number of human rights NGOs. She wished to know who was responsible for reviewing discriminatory laws and ensuring that new, non-discriminatory laws were adopted and enforced. Which body, for example, was responsible for ensuring that the prohibition on female genital mutilation was enforced?

22. She said that she would welcome information on the differences between the National Gender and Equality Commission and the Kenya National Human Rights Commission. It would be interesting to know, for example, how tasks were divided between the two and whether one was more important than the other.

23. **Mr. Ribeiro Leão** asked what public policies and programmes had been developed to provide the vocational training opportunities mentioned in the State party's report. He also asked whether the State party had managed to respond to the challenge it had acknowledged in paragraph 69 of its report: namely, to find a way not only to create jobs but also to ensure that they met minimum labour standards.

24. **Ms. Bras Gomes** asked whether the decision to establish a programme of support for prospective female engineers had been based on a needs assessment survey and whether the Government had any plans to set up similar programmes for women and girls preparing for employment in other sectors in which they were not traditionally well represented. She wondered whether the authorities had plans to make the Youth Enterprise Development Fund more user-friendly, so that young people could benefit more from it than they had thus far.

25. In relation to just and favourable conditions of work, she asked whether the Kenyan authorities had any plans to seek bilateral agreements with the countries in the Persian Gulf and Middle East that hosted large contingents of Kenyan workers, many of them disadvantaged women. Without such agreements, the problems that inevitably arose were

much harder to resolve. She also asked whether there were any plans to encourage the large percentage of Kenyans working in the informal sector to enrol in and contribute to national social security and health schemes, what was being done to ensure timely and just delivery of cash transfers and whether the authorities were making any efforts to ensure that the cash transfer programme had a growing contribution base.

26. **Mr. Martynov**, commending the State party on its recent adoption of a national employment policy and strategy, said that the delegation of Kenya could be certain that it would be asked to discuss the impact of that policy when it next appeared before the Committee. He asked whether the Government was considering any measures to enforce the constitutionally established quotas for the employment of persons with disabilities and whether it provided vocational training to such persons.

27. He also asked why the share of jobs in the formal sector appeared to be shrinking and whether the Government was considering setting up a non-contributory social protection scheme for workers in the informal sector. He requested clarification of the term "not unionizable", which appeared in paragraph 83 of the replies to the list of issues.

The meeting was suspended at 4.20 p.m. and resumed at 4.50 p.m.

28. **Ms. Chweya** (Kenya) said that the Covenant, which was directly applicable under national law, had been invoked in a number of cases. For example, in *Satrose Ayuma & 11 others v. Registered Trustees of the Kenya Railways Staff Retirement Benefits Scheme & 2 Others*, the court had relied on article 11 of the Covenant when it had granted an injunction restraining the respondents from evicting the petitioners from their homes pending the determination of the case.

29. The National Legal Aid and Awareness Programme, which had been established as a pilot project in six counties, had been successful, although it had faced a number of budgetary constraints. The scheme was due to be rolled out nationally, with its own budget allocation, once the National Legal Aid Bill had secured passage through Parliament.

30. With regard to the ruling of the African Commission on Human and Peoples' Rights in the case of *Centre for Minority Rights Development (Kenya) and Minority Rights Group International (on behalf of Endorois Welfare Council) v. Kenya*, the Government in 2014 had established a task force with a mandate to study the political, security, economic and environmental implications of implementing the decision and to provide the Government with advice in that regard. The task force had also been mandated to engage with the Endorois, other interested parties and experts on how best to implement the decision. Pending the completion of that process, a number of measures had been taken to protect the rights of the Endorois: they had, for instance, been granted free access to the Lake Bogoria region, and 10 per cent of the proceeds from the Lake Bogoria National Park were used, among other things, to build medical facilities and schools for the community. The Government continued to engage in a dialogue with the Endorois people.

31. The Government, recognizing that corruption undermined the State's ability to ensure the realization of economic, social and cultural rights, had taken a number of measures to tackle the problem. For instance, five cabinet secretaries had been asked to step down because of corruption allegations; a specially established task force had recommended the enactment of anti-bribery legislation and a whistle-blowers' law; and an asset recovery agency had been established. Furthermore, the Office of the Director of Public Prosecutions had instituted proceedings in a number of high profile cases against ministers, cabinet secretaries and other senior public officials. As at June 2015, 96 officials had been charged with various corruption-related offences. Most of the complaints of corruption that were filed with the Ethics and Anti-Corruption Commission were referred by the latter for administrative action or to the authorities concerned, such as the Kenya Revenue Authority. The remainder were either referred to the Office of the Director of

Public Prosecutions or closed for lack of evidence. The relatively low number of convictions handed down was due, among other factors, to limited capacity to prosecute complex cases, delays in the submission of files, preliminary objections by the defence and bottlenecks in extradition and mutual legal assistance. The authorities had, however, taken a number of steps to address those challenges, including the formulation of anti-corruption prosecution guidelines and the decentralization of the prosecution services to the county level.

32. In February 2016, the Government had released 1 billion Kenya shillings to conclude the resettlement of all remaining internally displaced persons; the money would be paid into the accounts of some 5,000 families. As to integrated internally displaced persons, 95,000 households had already received compensation; the remainder would be compensated under the second phase of the initiative, plans for which were in place.

33. **Ms. Njau-Kimani** (Kenya), replying to a question regarding the protection of the rights of communities who signed contracts with natural resource extraction companies, said that the Government had started taking steps to amend the 1904 Mining Act in order to bring it into line with the Constitution, which expressly recognized the rights of those communities in that regard. The proposed amendments emphasized transparency, accountability and community involvement; under the new provisions, mining issues would be dealt with in consultation with the affected communities. Furthermore, the Community Land Bill, which was currently before the National Assembly, went a long way towards addressing issues related to land registered in the name of a community. For example, under the Bill, no contracts would be entered into without the consent of the community concerned. In addition, mining licence holders would be required to undertake an environmental impact assessment and to provide social amenities and employment for local people. Moreover, the communities would not lose their rights to cultivate the land or to use it for grazing.

34. Regarding women's property rights, section 7 of the Matrimonial Property Act provided that such property was vested in the spouses according to the contribution of either spouse towards its acquisition. That provision should be read in conjunction with section 2 of the Act, which defined contribution as meaning either monetary or non-monetary contribution, including domestic work and management of the matrimonial home, childcare and companionship. Furthermore, section 8 recognized that, in polygamous marriages, the contribution of each wife would be taken into account. The Law of Succession Act provided that both men and women could inherit land; similarly the Land Registration Act allowed both men and women to be registered as owners. However, although in law there were no impediments to women owning land, there were a number of practical challenges, in particular of a cultural nature, to the realization of their rights. The Government was therefore working with the private sector and civil society to raise women's awareness of their rights in that regard.

35. Since 2010, Parliament had been busy enacting the legislation identified as a priority in the Constitution, within the time frames set out therein. However, it was expected that the bills still pending before the National Assembly that had been referred to earlier would be passed before the end of 2016. The purpose of the provisions of the Government Proceedings Act that appeared to suggest that it was very difficult to enforce a judgement against the Government was to protect the public interest, in particular by preventing the auctioning off of public assets. However, the Civil Procedure Act provided for a mechanism through which a ruling could be enforced against the Government.

36. **Mr. Atangana** asked what had been the impact of the measures taken to enforce the provisions of the 2015 Protection Against Domestic Violence Act, referred to in paragraph 93 of the State party's replies to the list of issues (E/C.12/KEN/Q/2-5/Add.1). He would also like to know whether the Act had in fact been applied and, if so, he would welcome

information on the number of prosecutions brought and convictions handed down. He asked what action the authorities had taken to put an end to the sexual abuse of children by teachers.

37. **Mr. De Schutter**, referring to paragraph 38 of the replies to the list of issues, said that he would like to know how the notions of "public purpose" and "public interest" were interpreted by the Government and the courts. He asked whether current plans to reform governance of land tenure complied with the ruling in the *Satrose Ayuma* case, in which the court had directed the Government to design an appropriate legal framework for eviction based on internationally acceptable standards. In particular, he would like to know whether the Government's plans were in line with the Basic principles and guidelines on development-based evictions and displacement, the Committee's general comment No. 7 on the right to adequate housing and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which had been endorsed by the Committee on World Food Security in 2012. He enquired whether, beyond protecting security of tenure, there were any plans to move towards land reform, in particular with a view to allowing small-scale farmers to have improved access to land.

38. **Mr. Pillay** noted that only 23 per cent of the demand for new housing units in urban areas was being met and that, as a result, slums and informal settlements, which lacked basic services, were proliferating. People were also denied security of tenure and access to affordable housing. He therefore urged the Government to promote the construction of social housing units.

39. He asked why the Eviction and Resettlement Bill drafted in 2012 had not been enacted. Amnesty International had documented a large number of cases of forced evictions in recent years. He encouraged the State party to impose a moratorium on forced evictions pending enactment of the bill.

40. He noted that 44 per cent of the population lived below the poverty line and that the worst affected population groups were child workers, women, people with disabilities and inhabitants of arid and semi-arid areas. He asked whether the State party was contemplating the introduction of anti-poverty measures that would target vulnerable groups.

41. **Ms. Ravenberg** said that the Committee had been informed that 4 per cent of the Kenyan national budget had been allocated to the health sector in the 2014/15 financial year. The Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases set a minimum standard for health sectors of 15 per cent of States' annual budgets. She requested updated figures on public funding of health-care services.

42. She said that the Committee welcomed the enactment of the Prohibition of Female Genital Mutilation Act and the establishment of an anti-FGM board. It appeared, however, that the practice was still widespread. According to a country profile published in May 2013, the prevalence at that time had been approximately 27 per cent. For example, the practice was conducted in the Transmara area of Narok County during the festive season when schools were closed. Some physicians reportedly performed post-delivery female genital mutilation. She enquired about the steps being taken by the State party to implement the Prohibition of Female Genital Mutilation Act, to combat the deep-rooted culture from which the practice stemmed, and to provide support services to victims.

43. **Mr. Ribeiro Leão** asked whether the State party considered that the international assistance it received in tackling the problems relating to high poverty levels listed in paragraph 112 of the report was effective.

44. **Mr. Uprimny** drew attention to major disparities in enjoyment of the right to health in the State party. Skilled medical personnel were involved in only 12 per cent of deliveries

in Wajir County, compared with 94 per cent in Nyeri County. The disparities were reportedly due to the lack of a regulatory framework for the country as a whole. He asked whether the Government intended to expedite the enactment of the health bill that was currently before Parliament. Lack of public expenditure on health-care services had a particularly severe impact on low-income families.

45. Criminalization of homosexuality undermined the right to sexual health. He was dismayed by the State party's rejection of the recommendation concerning decriminalization of same-sex relations issued by the Universal Periodic Review Working Group.

46. He asked whether abortion was a criminal offence even in cases of rape and, if so, whether the State party contemplated an amendment to the Penal Code.

47. As the State party had failed to answer the Committee's question concerning measures taken to address the high maternal mortality rate, he would appreciate any information that the delegation could provide on the subject.

48. **Mr. Kedzia** enquired about progress made in implementing the 2011 Prohibition of Female Genital Mutilation Act and about the activities undertaken by the board that had been established to combat the practice. The Act focused on legislative and penal measures and only one subparagraph addressed the need to raise public awareness of the adverse impact of female genital mutilation. As criminal legislation was insufficient in itself to combat a phenomenon that was contrary to human dignity, he wished to know whether any additional action was being taken.

49. With regard to the availability of medicines to prevent mother-to-child transmission of HIV/AIDS, he enquired about measures taken to help disadvantaged and marginalized groups to obtain them.

50. The Committee had received disturbing information about cases in which pregnant women who were unable to pay for delivery had been detained by hospitals following the birth. Women living in slums therefore tended to deliver at home. He enquired about the scale of the problem and the measures being taken to remedy it.

51. **Ms. Shin** said that the State party had failed to answer the Committee's question concerning measures taken to combat polygamy. She asked whether it was prohibited or tolerated and enquired about its prevalence.

52. She requested information on court cases under the Matrimonial Property Act 2013 in which women's contributions in terms of housework, child care and companionship had been recognized for the purpose of allocating matrimonial property.

53. Table 1 of the annex to the State party's replies to the list of issues showed water coverage projections in urban and rural areas. She asked whether the ambitious targets for 2015 had been achieved, namely 80 per cent for urban areas and 75 per cent for rural areas. The Committee had been informed that in areas where water was not available, women and girls were often required to travel a considerable distance to fetch water and sometimes faced security risks. She asked whether any measures were being taken to address that problem.

54. She said that women should not be punished for mother-to-child transmission of HIV/AIDS but should be provided with support.

55. **Mr. Kerdoun** said that he welcomed the affirmative action taken by the State party on behalf of persons with disabilities through its investment in educational facilities. He also commended the adoption of the Basic Education Act in 2013. The policy documents entitled "Aligning Education and Training to the Constitution of Kenya" and "Kenya Vision 2030" provided important guidelines for reform and institution-building. However,

shortcomings such as poor quality of tuition, lack of regulation, difficulty of access for children with disabilities and gender disparity persisted. For instance, many girls tended to drop out of school owing to early marriage or pregnancy. He asked whether the State party believed that the measures it had taken to date were sufficient to tackle those problems. He was particularly interested in hearing about new initiatives to promote the right to education for vulnerable children. He trusted that the State party would continue to allocate resources to programmes aimed at providing young people with the skills they required to perform effectively in a globalized economy. He enquired about action to facilitate access by low-income children to education in general and by adolescents to tertiary education.

56. **Mr. Dasgupta,** referring to the statement in paragraph 105 of the written replies to the list of issues, that the amendments to the Children Amendment Bill 2014 had been too numerous and that a new statute was therefore being drafted, requested more details concerning the draft legislation. As to the National Policy on the Elimination of Child Labour approved by the Cabinet in 2015, he enquired about the scale of the problem and any progress achieved in addressing it to date.

57. **Mr. Abashidze** asked whether there was any legal instrument that established a strong link between the recognition of cultural rights and the recognition of indigenous peoples. He wished to know, for example, how such a mechanism might apply in the case of the Lamu Port Southern Sudan-Ethiopia Transport Corridor (LAPSSET) project.

58. **Mr. Uprimny** said that the number of private primary schools in Kenya had increased from 380 to about 9,000 in the last 15 years. In many cases, however, they were low-cost profit-seeking establishments that failed to meet quality standards owing to a lack of regulatory vigilance by the State. The authorities reportedly planned to approve quality guidelines for such establishments. He enquired about their implementation and about plans to increase public expenditure with a view to providing high-quality public education for all students.

The meeting rose at 6.05 p.m.